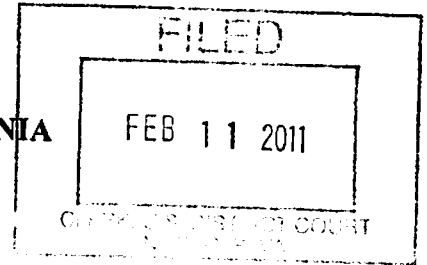


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



LELAND RAYMOND EDWARDS, (#1160906/204486) :

Petitioner,

v.

GENE M. JOHNSON,
Director, Virginia Department of Corrections,

Defendant.

ACTION NO. 2:10cv339

ORDER

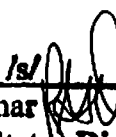
This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to Petitioner's convictions for breaking and entering, malicious wounding, and two counts of use of a firearm during the commission of a felony, as a result of which he was sentenced to 68 years in prison.

The matter was referred to a United States Magistrate Judge for Report and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed December 15, 2010 (ECF No. 12), recommends granting Respondent's Motion to Dismiss with regard to Edwards' due process claim and denying with regard to Edwards' claim of ineffective assistance of counsel. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On December 22, 2010, the Respondent filed Objections to the Magistrate Judge's Report and Recommendation (ECF No. 13). On December 29, 2010, the Petitioner filed Objections to

Magistrate Judge's Recommended Findings (ECF No. 14). On January 7, 2011, the Petitioner filed a Response to Respondent's Objections to Magistrate Judge's Report and Recommendations (ECF No. 15). The Respondent filed no response to the Petitioner's objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by both the Petitioner and Respondent to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed December 15, 2010. It is, therefore, ORDERED that the petition be DISMISSED as to the Petitioner's due process claims, and that the Respondent shall file further responsive pleadings addressing the remaining claims within thirty (30) days from the date of this Order. The Petitioner shall have thirty (30) days to file a response to the Respondent's filing.

The Clerk shall mail a copy of this Order to Petitioner and counsel of record for Respondent.



Robert G. Doumar
Senior United States District Judge

ROBERT G. DOUMAR
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
Feb. 10, 2011